

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RYAN NEIL SORENSEN,

Plaintiff,

v.

JEFFERY A. UTTECHT,

Defendants.

Case No. C06-5482 RBL/KLS

ORDER EXTENDING
PETITIONER'S TIME TO FILE
RESPONSE

This habeas corpus action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1) and Local MJR 1, 3 and 4. On November 10, 2006, the Petitioner sent an inquiry to the Clerk of the Court regarding the status of his *in forma pauperis* application and the status of his case. (Dkt. # 16). The Clerk of the Court sent a copy of the Court's docket to Petitioner. The Court considers this inquiry as evidence of some confusion on Petitioner's part as Petitioner has not filed a response and this habeas matter is now ripe for review.

On August 23, 2006, the Clerk received Petitioner's application to proceed *in forma pauperis*. (Dkt. # 1). On that same day, Petitioner paid the \$5.00 filing fee. Because he paid the filing fee, Petitioner's application to proceed *in forma pauperis* was considered moot and it was recommended by this Court that the application be denied. (Dkt. # 9). The District Judge adopted the Report and Recommendation of this Court (Dkt. # 15), after considering Petitioner's objections filed on October 13, 2006 (Dkt. # 10).

The denial of Petitioner's *in forma pauperis* status did not delay his case as immediately after receipt of the \$5.00 filing fee, the petition was filed (Dkt. # 3), and an Order directing service was entered on September 7, 2006 (Dkt. # 5). The petition was served on Respondent at no cost to Petitioner. The Order of service set forth the deadlines for filing Respondent's answer and Petitioner's response. Respondent has now filed an Answer to the Petition and submitted the relevant state court records in paper form with the Clerk of the Court. (Dkt. # 12, # 13). Petitioner's response, if any,

1 was due on November 16, 2006. (*See* Dkt. # 5).

2 As there has obviously been some confusion caused by the simultaneous filing of Petitioner's
3 application to proceed *in forma pauperis* and payment of the filing fee, the Court finds that Petitioner
4 should be allowed an additional thirty days to file a response.

5 Accordingly, the Petitioner shall file his response, if any on or before **January 18, 2006**, and
6 the Clerk of the Court is directed to re-note the petition for the Court's consideration on **January 19,**
7 **2007**. The Clerk shall send copies of this Order to Petitioner and to counsel for Respondent.

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9 DATED this 13th day of December, 2006.

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13 Karen L. Strombom
14 United States Magistrate Judge
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